

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GUADALUPE BOSCH,

Plaintiff,

-against-

ORDER ADOPTING REPORT &
RECOMMENDATION
08-CV-238 (JS) (AKT)

DOMENICO LAMATTINA, YOUNG &
YOUNG LLP, THOMAS J. BAILEY, ESQ.,
JOSEPH A. SCHUBIN & ASSOCIATES,
FREEDOM MORTGAGE CORPORATION,

Defendants.

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APPEARANCES:

For Plaintiff: Donald Markowitz, Esq.
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For Defendants:
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SEYBERT, District Judge:

Pending before the Court is the Report and Recommendation ("Report") of Magistrate Judge A. Kathleen Tomlinson issued on August 4, 2008. On January 29, 2008, Plaintiff moved by Order to Show Cause for a preliminary injunction and temporary restraining order seeking to stay the eviction proceedings pending against Plaintiff. On January 31, 2008, this Court denied Plaintiff's application for a temporary restraining order, and referred the application for a preliminary injunction to Magistrate Judge Tomlinson to report and recommend on whether it should be granted.

Magistrate Judge Tomlinson's Report recommends that the preliminary injunction be denied because Plaintiff's claims are currently being adjudicated in the Suffolk County District Court, and the Anti-Injunction Act, 28 U.S.C. § 2283, bars an interference with the state court proceedings.

Upon review of the Report, to which no party has objected, the Court hereby ADOPTS the Report in its entirety.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure any objections to the Report were to be filed with the Clerk of the Court within ten days of service of the Report. The time for filing objections has expired and no Party has objected. Accordingly, all objections are hereby deemed to have been waived.

The Court ADOPTS the Report in its entirety and DENIES Plaintiff's application for a preliminary injunction seeking to bar

her eviction from her residence located at 105 Barber Street,
Brentwood, New York.

SO ORDERED.

Dated: Central Islip, New York
November 4, 2008

151 **JOANNA SEYBERT**
Joanna Seybert, U.S.D.J.